

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

FEB 22 2013

United States of America

v.

Jose Israel VILLABA

Case No.

MATTHEW J. DYKMAN

CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 21, 2013 in the county of Bernalillo in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1), (b) (1) (B) Knowingly and Intentionally possess with intent to
distribute more than 50 grams of Methamphetamine

This criminal complaint is based on these facts:

*** SEE ATTACHED AFFIDAVIT ***

☒ Continued on the attached sheet.

Complainant's signature

Johnathon D. Walsh, Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 02-22-2013City and state: Albuquerque, New Mexico

Alan C. Torgerson

U.S. Magistrate Judge

Printed name and title

EXHIBIT G

AFFIDAVIT

On February 21, 2013, Albuquerque Police Department (APD) Detective Johnathon Walsh, a Task Force Officer (TFO) with the Drug Enforcement Administration (DEA), and DEA Special Agent (S/A) Jarrell W. Perry were at the Greyhound Bus Station, 320 First Street, Albuquerque, New Mexico to meet the eastbound Greyhound Bus which makes a regularly scheduled stop in Albuquerque, New Mexico.

TFO Walsh approached a male, later identified as Jose Israel VILLABA, who was walking in front of the Greyhound Bus Station. TFO Walsh displayed his APD badge to VILLABA, identified himself as a police officer to VILLABA, asked for and received permission to speak with VILLABA. After a short conversation, S/A Perry asked VILLABA if he had any luggage with him. VILLABA identified a red colored duffle bag that he was holding as belonging to him.

TFO Walsh asked for voluntary permission from VILLABA to search his red colored duffle bag for contraband. VILLABA denied consent to TFO Walsh to search his red colored duffle bag for contraband. TFO Walsh then asked for voluntary permission from VILLABA to allow a narcotics detection canine conduct a sniff of the duffle bag for the odor of illegal narcotics and VILLABA denied consent and asked why TFO Walsh was speaking with him. TFO Walsh explained to VILLABA his reason for speaking with him and VILLABA then placed his red colored duffle bag on a ledge near where both of them were standing and opened the bag.

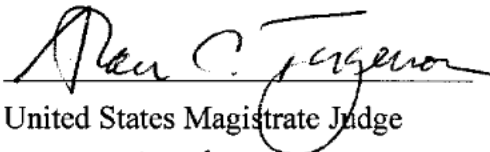
VILLABA then told TFO Walsh that he wanted to open the bag to show him what was in its interior. TFO Walsh observed a red plastic toy in cardboard packaging within the interior of the bag. When questioned about the toy, VILLABA told TFO Walsh that he had purchased the toy for his nephew while he was in Phoenix, Arizona.


TFO Walsh then asked for voluntary consent from VILLABA to remove the toy from the bag for examination. VILLABA granted TFO Walsh permission to remove the plastic toy

from the bag. TFO Walsh then removed the toy from the bag and then asked for permission to remove the toy from the cardboard box. VILLABA consented and TFO Walsh removed the plastic toy from the cardboard box and observed white colored bundle inside of the bottom of the plastic toy. TFO Walsh knew from his training and experience that the white colored bundle was consistent with the packaging of illegal narcotics. VILLABA was arrested and was transported to the DEA Albuquerque District Office (ADO), along with the plastic toy.

At the DEA ADO, TFO Walsh and S/A Perry removed two white colored, masking tape wrapped bundles from inside of the Tonka brand plastic toy. TFO Walsh and S/A Perry weighed the two bundles which were quantified at approximately 472.4 gross grams. TFO Walsh and S/A Perry cut into the bundles, which revealed a clear crystal like substance. TFO Walsh and S/A Perry field-tested the clear crystal like substance, which revealed a presumptive positive reaction for the presence of methamphetamine.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint.


United States Magistrate Judge
2/22/13


Johnathon D. Walsh
Task Force Officer
Drug Enforcement Administration